kunnam, Chirakadavu, Cheruvalli, Thampalakad &c., were too many to be described. Further, in Ponkunnam, there was a market, growing in importance. There was also a pettah of the Mahomedans. The *cherikal* cultivation had attracted a large number of people to the locality. Though Mundakayam might be the centre if the area from east to west was considered, still the bulk of the population was on the Kanjirappalli side. Towards the Mundakayam side, there were only the estate coolies. If the records of the defunct Magistrate's Court at Kanjirappalli and those of the Court at Mundakayam were examined, the need for shifting the Court to Kanjirappalli would become clear. He prayed, therefore, that the Magistrate's Court might be re-established at Kanjirappalli.

Dewan's reply.—The District Magistrate of Devikulam will be asked to report about this.

(3) Civil Justice.

31. Certain irregularities of the Civil Courts.

Mr. A. Krishna Pillai (Member, Trading Classes, Kayenkulam) mentioned the following as some of the irregularities which characterised the procedure in the Civil Courts and he requested that early action might be taken to rectify them.

(1) In appealable cases, the judgments of the lower Courts were printed in private presses at the cost of the parties. There was inordinate delay in printing the judgments and it not infrequently happened that the appeals became time-barred owing to that delay. As soon as information as to the printing charges was ascertained from the press, he suggested that a notice should be published at the court-house, stating the fees to be paid by the parties, and 15 days' time from the date of publication should be allowed to the parties to deposit the fees.

(2) Witnesses suffering from infectious diseases should not be examined by the Courts in the common witness-box ; but they should be caused to be examined in a separate place in the Court, if separate witness-boxes could not be provided.

(3) When copies of *thandaper* accounts of several years obtained on one application were filed as evidence for one side in a suit, the Courts now insisted on a half-rupee stamp being affixed to each year's accounts. One half-rupee should suffice, if the accounts were filed as evidence in one and the same case and were obtained on a single application.

(4) In cases posted on a date for the appearance of the defendant or for his written statement, if the defendant should be absent, some Courts asked the plaintiff to make an application for the adjournment of the case to another date. As the default was not the plaintiff's, the Courts should adjourn such cases on their own motion.

(5) In cases in which the defendant questioned the market value of a property forming the subject-matter of a suit as specified in the plaint, the plaintiff was compelled to deposit the batta for the commissioner to be appointed. The defendant should be made liable for paying the batta in such cases.

(6) If a suit filed to set aside a document in which more than one prior transaction was referred to, the Courts demanded registration fees at $5\frac{1}{4}$ fanams for each of the deeds relating to the several prior transactions. The document to be set aside being only one, a fee of $5\frac{1}{4}$ fanams should alone have to be paid.

(7) The Court Fees Regulation prescribed that, in the case of leases for stated periods, the court-fee should be calculated at 1/5 of the full *pattom* for the period specified in the lease. In the case of a lease for one year, some Courts received only 1/5 of a year's *pattom* as court-fees; while others received a full year's *pattom* on the ground that the lease had actually continued for more than a year by the time the suit came to be filed. There should be uniformity in the levy of fees.

(8) In small cause suits, it was now discretionary with the Courts to award vakil's fees. As the parties could not get on without vakils, it should be obligatory to decree vakil's fees.

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(9) Some Courts insisted on questions in the cross-examination of parties and witnesses being confined to points touched upon in the chief-examination. As the restriction was against the spirit of the Evidence Act, he requested that the procedure should be corrected.

(10) Some Courts examined the parties, only if there be time after examining the witnesses in all the cases posted for the day. The parties should not be made to dance attendance like that. They should be examined then and there, in the same way as the witnesses are examined.

(11) It should be ruled that only such reasonable number of cases as could be finished in a day should be posted for each day, and that, as far as possible, all witnesses summoned for a day should be examined the same day.

(12) Many Courts were guilty of frequently adjourning cases for long periods, to the serious inconvenience of parties and witnesses. The tendency should be checked. There should also be a minimum time prescribed for delivery of judgment after the hearing was over. It was the practice in some Courts to pronounce judgments in a large number of cases at the end of a quarter or at the close of the year.

(13) The Member next referred to courts being held frequently at night and said that it was partly due to the presiding officers attending late. The rule requiring that the Courts should sit at 11 A. M. and close at 5 P. M. should be more vigorously enforced.

(14) The Courts should be asked to decree interest on interest as well as on costs.

(15) There was inordinate delay at present in the preparation of decrees and office copies of judgments. The circular requiring them to be got ready in two weeks should be stringently enforced. A quarterly statement should also be called for by the High Court, showing the number of decrees prepared within the stipulated period and of those delayed beyond that period, with reasons for the delay.

(16) To avoid the delay in granting copies of records, a minimum period should be prescribed for presenting stamp paper and for the grant of copies.

(17) In applications for execution proceedings, the processes should be made to issue in three days from date of application.

(18) A minimum period should also be fixed for sending certificates, where decrees had to be executed in other Courts. A quarterly return of the pending applications for such certificates should also be submitted to the High Court by all Courts.

(19) There should be fixed periods of interval after the publication of notices regarding proclamations and sales. Such notices should be published in at least one important Vernacular newspaper, for wider publicity.

(20) The grant of cheques and chellans within a stipulated period should be enforced.

(21) In all *exparte* cases and in cases of admission and compromise, the Courts should be required to obligatorily award one-half vakil's fees.

(22) Not more than a reasonable number of warrants and summonses should be entrusted to one process-server at one time. The processes should also issue for service on the very day they were received by the Nazirs.

(23) Frequent transfers of the Nazirs and the execution and decree clerks should be discouraged. They should be transferred only for good reasons. The presiding officers should also exercise closer scrutiny over their work and conduct.

(24) In regard to commissioners, there was a circular that only such persons as were acceptable to the vakils of both parties should be appointed. Forgetting that rule, briefless vakils, ignorant court-clerks and other interested persons were being freely appointed as commissioners by Courts. The rule should be enforced.

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(25) Copies of judgments and decrees of appellate Courts, obtained from the subordinate Courts, should be required to be accepted for purposes of execution and evidence, in the same way as copies of documents obtained from registration offices. The Courts refused to recognise them now on the ground that they were copies of copies.

(26) The Courts generally delayed passing orders on applications for attachment of moveables or refused such applications, for want of sufficient room to keep the articles when they were brought after attachment. The defect in the matter of accommodation had to be removed at once.

(27) Some Courts were levying a court fee of half a rupee on applications for execution of decrees in which the value of the suit was less than Rs. 50, contrary to the clear provision of the fourth para of Article I (*a*) of Schedule II of the Regulation. The required fee was only 2 chackrams.

(28) Similarly, some Courts persisted in including interest on the value of suit and the court-costs as part of the value of the suit and charged a fee of one rupee, on the ground that such total value came to more than Rs. 50. The legitimate fee was only half a rupee under Article VII (*a*) of Schedule I.

(29) The jail process fee was now recovered at a uniform rate of Rs. $1\frac{1}{4}$ each in both civil and small cause suits. There was differential treatment in both classes of suits in all other matters. That benefit should be extended to process fees also.

(30) The head gumasthas of Courts should be required to obligatorily attest any affidavits presented to them. At present it was optional with them to do so or not.

(31) Under the existing arrangement, large amounts lapsed to the Government in the shape of process fees and witness' batta deposited by the parties. To avoid the enormous loss to the parties under those heads, a detailed list of such amounts should be caused to be published and affixed to a prominent part of the court-house once in a quarter.

Dewan's reply.—The representations of the Member will be referred to the High Court for remarks.

32. The need for giving translations of judgments of all Courts to applicants.

Mr. Padmanabhan Parameswaran (Member, Pathanapuram taluk) said that, in most of the Courts in the State, judgments were written in English and copies of the same given in that language to the applicants. Even five per cent of the parties were not acquainted with the English language. They could not understand the facts set out in the judgments and prefer appeals promptly. They had now to get the judgments translated into Malayalam, for which there were no facilities in the Mofussil stations. In most cases, the parties depended upon what their vakils in the original Courts might be able to tell them which, in many cases, turned out to their prejudice. If copies of the judgments were given in Malayalam, many appeal cases could have been avoided and much expense also saved to the people.

The Member pointed out that Section 196 of the Civil Procedure Code required the Courts to give attested translations of English judgments, if the parties should ask for them; but the provision was not being carried out in practice. The law also provided for judgments being written in the *language of the Court* or in English (Sections 195 and 273 of the Civil and Criminal Procedure Codes). He requested therefore that proper arrangements might be made to grant translations of English judgments to parties, in both Civil and Criminal Courts.

Dewan's reply.—The High Court will be asked for remarks on the Member's representation.

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